

SENATE BILL 3634

By Harper

AN ACT to amend Tennessee Code Annotated, Title 13, Chapter 7; Title 54 and Title 66, relative to requirements for construction of certain residential buildings.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 13, Chapter 7, Part 1, is amended by adding the following language as a new, appropriately designated section:

§ 13-7-119.

(a) No building permit may be issued or approved for any development of two (2) or more residential dwelling units when such proposed construction is within five hundred feet (500') of the nearest travel lane of a limited access highway unless the applicant has conducted a noise study of the proposed development by a qualified professional engineer or a board-certified member of the Institute of Noise Control Engineering. Such noise study shall use an approved traffic noise prediction model in accordance with 23 CFR 772.17(a). As used in this section, a "residential dwelling unit" means a house or building used or designed to be used as an abode or home of a person, family or household exclusively as a residence.

(b) If the noise study required by subsection (a) shows that the worst-hour equivalent sound levels, as defined in 23 CFR 772.5 and 23 CFR 772.17(b), at exterior areas of frequent human use for a residential dwelling unit exceed sixty-six decibels in the A scale (66 dBA), then the person seeking approval of the development or building permit shall either:

(1) Incorporate noise abatement measures that will reduce the worst-hour equivalent sound levels at exterior areas of frequent human use below sixty-six decibels in the A scale (66 dBA), as predicted by the approved traffic motor noise

prediction model. Such acceptable abatement measures include, but are not limited to, noise barrier walls or earthen berms, site layout, building design or buffer zones. Provision of vegetation alone shall not be considered an abatement measure; or

(2) Make provision for clear and conspicuous disclosure that the residential dwelling unit is in a noise impact area. Such disclosure shall be included into the property disclosure statement in the initial or any subsequent sale or transfer of the property, notwithstanding the provisions of § 66-5-209(9) to the contrary.

SECTION 2. Tennessee Code Annotated, Title 13, Chapter 7, Part 2, is amended by adding the following language as a new, appropriately designated section:

§13-7-212.

(a) No building permit may be issued or approved for any development of two (2) or more residential dwelling units when such proposed construction is within five hundred feet (500') of the nearest travel lane of a limited access highway unless the applicant has conducted a noise study of the proposed development by a qualified professional engineer or a board-certified member of the Institute of Noise Control Engineering. Such noise study shall use an approved traffic noise prediction model in accordance with 23 CFR 772.17(a). As used in this section, a "residential dwelling unit" means a house or building used or designed to be used as an abode or home of a person, family or household exclusively as a residence.

(b) If the noise study required by subsection (a) shows that the worst-hour equivalent sound levels, as defined in 23 CFR 772.5 and 23 CFR 772.17(b), at exterior areas of frequent human use for a residential dwelling unit exceed sixty-six decibels in

the A scale (66 dBA), then the person seeking approval of the development or building permit shall either:

(1) Incorporate noise abatement measures that will reduce the worst-hour equivalent sound levels at exterior areas of frequent human use below sixty-six decibels in the A scale (66 dBA), as predicted by the approved traffic motor noise prediction model. Such acceptable abatement measures include, but are not limited to, noise barrier walls or earthen berms, site layout, building design or buffer zones. Provision of vegetation alone shall not be considered an abatement measure; or

(2) Make provision for clear and conspicuous disclosure that the residential dwelling unit is in a noise impact area. Such disclosure shall be included into the property disclosure statement in the initial or any subsequent sale or transfer of the property, notwithstanding the provisions of § 66-5-209(9) to the contrary.

SECTION 3. This act shall take effect July 1, 2008, the public welfare requiring it.